May 11, 2023 Meeting Transcript

Miami City Commission May 11, 2023

Transcript of excerpt of video recording available at: https://www.youtube.com/watch?v=kcSKGlzKTj0

PLAINTIFFS' TRIAL EXHIBIT
P27

1:22-cv-24066-KMM

[audio starts 02:12:03] 1 2 Christine King: Would you like to read Pocket Item 4 for the record, and I'll open up for public comment. 3 Victoria Méndez: A resolution of the Miami City Commission directing the city manager to 4 take all efforts to for the City Commission to go back to at-large districts. 5 Manolo Reyes: What? 6 7 Alex Díaz de la Portilla: At large districts the city of Miami. So, this is a conversation about obviously the lawsuit. I want the city attorney to brief us what's happening with that. But one of 8 the things that I thought would make a great solution or provide us an answer to the any – issue 9 that we have pending is to just go back to at large districts in the City of Miami. Five commission 10 districts elected citywide and then we eliminate all – 11 12 Manolo Reyes: As it used, as it used to be before? Alex Díaz de la Portilla: As it used to be before. 13 Manolo Reyes: Yes, but the – 14 15 Christine King: Pocket item? Alex Díaz de la Portilla: Well but I sort of want to get it – 16 Manolo Reyes: I agree that you throw that idea up in the air, you know I mean – 17 Alex Díaz de la Portilla: No, but I have to finish it. If I haven't, I only threw it up. I haven't 18 finished the pass yet. So let me finish the drive. 19 20 Manolo Reyes: Oh okay. Alex Díaz de la Portilla: So, it's very very brief. The idea is to begin the conversation because 21 of the lawsuit and the – and with the magistrate is recommending and madam attorney if you will 22 23 pay attention to this. It's important I think for the future.

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Victoria Méndez: [indistinct 02:13:17] Alex Díaz de la Portilla: Okay, all right. Whenever you guys are finished, let me know when I can continue. Victoria Méndez: All right, we're ready. Alex Díaz de la Portilla: You're ready? Okay, so the idea would be if the magistrate recommends that we that what we've done is incorrect, this Commission, I know Commissioner Covo was not here when the map was drawn, and we had the back and forth. Perhaps the solution maybe, I'm not saying it is, I'm saying it maybe that we go back to at large districts throughout the city and that way no one can – because we're not changing city boundaries, right? No one can argue with us that hey, you're gerrymandering this or you're, you know, favoring this particular group or that particular group. We eliminate that argument together and we take it back to where it was, because if I remember correctly, and of course there won't be a vote on this today. It'll be a maybe the beginning of a conversation because it's a - it's a serious issue, but it needs to be addressed in a – in a quick fashion because we have elections coming up in in November. You have an election. I have an election. You have an election. So, in essence, and you were elected under a map that's now being questioned as the map that has – may have some problems with it right by a magistrate. Sabina Covo: And so, I agree, and it has become an issue already of questioning from the community. But one of the things that I do need to tell you, Commissioner, is that, for example, the area of Coconut Grove, which is one of the areas of my district that has expressed more of a concern even though I did, my district was impacted as well in downtown and a part of Brickell, is to keep the Grove united. So, I just wanted to put that into the record. Alex Díaz de la Portilla: Of course, but the idea with them would be to keep Miami united.

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So, once we eliminate single member districts, then all of Miami is Miami, it's the city and everybody can vote and pick their Commission group 1, 2, 3, 4 and 5 and then there's no debate about where the lines are drawing, whether it's US 1 or whether it's Mary Ave, it was 37th Ave or it's like Flagami is cut in half where Allapattah's cut in half. All those debates will go away, right? Because in essence, it's a city and I think our city's boundaries are protected, right? We're in pretty good shape of those, right. Right, okay. Sabina Covo: Hopefully. Alex Díaz de la Portilla: You think so? Sabina Covo: Hopefully. Alex Díaz de la Portilla: Yeah. So, in essence, to avoid out that debate and who's going to do the maps, what, is the court going to draw the map? But what I want – the idea that I wanted to bring out and maybe talk about it a little bit, it's for the city attorney to tell us where we're at right now. What she recommends or she thinks legally what we're positioned to do and then this Commission as a body has a right to, down the line, perhaps in the next Commission meeting when we have a full Commission, decide that maybe it's better to go back to where it was. Because what happened, the reason why single member districts were created back then was to make sure the diversity that Miami has, as we said, it's already in on the record, doesn't matter if I say it again, right. [Looking at Méndez] Is it okay? Good. That the reason was created was to keep harmony in our city because we have a very diverse community, a very diverse city. So, we want an African American representation, we want a non-Hispanic white representation, we want that. I think it adds to the – to the fiber of our city and adds to the representation that we provide up here. But if that's being questioned by organizations that back then were fighting for that recognition and for that representation are now saying, "Hey, no, no, no, they were doing it for

this reason, that reason," like the NAACP and others, well, let's do citywide and let's see what the 1 results are and then can they argue against that. What will be the results if we do a citywide 2 election? 3 Manolo Reyes: I do understand, sir. 4 5 Alex Díaz de la Portilla: But let me ask the city attorney – Manolo Reyes: You don't understand – 6 Alex Díaz de la Portilla: It was her opinion and then and you know, and you're laughing and 7 8 I'm laughing because we're – 9 Manolo Reyes: You're just throwing the ball back to them. 10 Alex Díaz de la Portilla: What we've been trying to do – 11 Manolo Reyes: Yes. Alex Díaz de la Portilla: – is to be fair and to provide representation for all communities in 12 our city. 13 14 Manolo Reyes: Absolutely. 15 Alex Díaz de la Portilla: Now all of a sudden we have a magistrate who probably knows nothing about our city and its uniqueness coming back and saying, "Wait a minute. You know, 16 17 they did it for this reason. They did it for that reason." We did it for many reasons that are probably much more complex than that magistrate understands, very complex city, very complex history, a 18 long history of race and ethnicity and migrations and immigrations. So, we have, what we have up 19 here, we have that diversity. 20 Manolo Reyes: Yes, we do. 21 22 Alex Díaz de la Portilla: And we have very, very different generational and ethnic and racial opinions that come into play and I think we've done a pretty good job and others before us have 23

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done a pretty good job representing the community in a fair way. Manolo Reyes: Madam Chair, can I. I do understand what you're saying and I agree that the idea must be floated, so these people that they are asking. They're asking, I mean the argument that they have, the – I'm gonna say the ACLU, they're claiming that it was not fair. You see? You be careful what you wish for because the way that we have been dealing for a long time, every time that they have been since day one when their boundaries were drawn, it was to assure diversity in the city of Miami. And the only way that we can assure diversity of the city of Miami is by – I'm going to call a spade a spade – but gerrymandering. We have to bunch together ethnicity, ethnic borders in order to be able to have Afro American, make sure that they are represented, and non-Hispanic white in the – in representing the city of Miami. So, if they are – now they are accusing us of gerrymandering, if we go now on and instead of having districts and we don't draw the districts to assure ourself that we have that representation. You have a point there and see, what do they think, because they are going to be the culprit of eliminating diversity in the city of Miami government. Alex Díaz de la Portilla: And at the end of the day, it's on them, right? Manolo Reyes: That's on them. Alex Díaz de la Portilla: It's on them. Not on us. And I know you, I know you're in a hurry. But I think it's important if you give me – Christine King: No, I'm not-Alex Díaz de la Portilla: Well, well you are – Christine King: No, no – Alex Díaz de la Portilla: – because you have a federal trial, I know, I know. Christine King: What I'd – what I'd like to say is that I believe our city attorney and our

outside counsel have a path forward. This discussion is premature. 1 2 Alex Díaz de la Portilla: Okay. Christine King: There are things are happening in the court. 3 Alex Díaz de la Portilla: I don't believe that. 4 5 Christine King: Okay. Alex Díaz de la Portilla: I make I have to just well, I'm sorry I have to disagree with you. Our 6 city attorney is not a policymaker, neither is the city manager. We're the ones that are elected. We 7 8 have a responsibility to make decisions. So, they may have a path forward, but I think the public, 9 we can have private conversations, which we will, but the public has the right to know what we're thinking and what we're going because they're the ones that elect us and we speak for them. So, 10 11 it's not a question of whether the attorney has a plan for a lawsuit or an appeal. That's beautiful, I want to hear what your plan is, so the public knows what that plan is, but I do want to have a 12 13 conversation, not today. It started today. Plan to see today about the options that are out there, 14 because not a question of you having a path to continue to appeal a map. 15 Who's going to draw the map, the courts, or this Commission? I will not relegate to a court that does not understand us or know us what our map should look like. We need to draw it, and if 16 17 we're not going to draw it, then we do the whole city, but not to go through the process. And by the way, we happen to elect a Hispanic American to District 2, right? Which means that either 18 Miami is maturing really fast, which is good, it's a good thing. Or we let Mi- all Miami decide, 19 which are probably, I think, let's be honest here, we'll probably elect five Hispanic commissioners. 20 And if people think that that's good for the city of Miami, so be it. Who's going to argue that? 21 22 Christine King: Well, let us – Alex Díaz de la Portilla: Because the people decide, wait a minute, I'm not done. 23

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Christine King: But we got to open it up for public comment. We're doing all of this comment. Alex Díaz de la Portilla: I understand, but it's my pocket item. Christine King: I understand – Alex Díaz de la Portilla: So, I think it's important that I espouse what I think where we need to go so the City Commission and our city manager, whatever – wherever he is, understands that we're not going to simply wait and wait for the city attorney to appeal and go the back and forth and let a court a month from now. Because he has an election, this commissioner over here and he - she has an election and I have an election and we want to know where we stand. It's not a question of what, let the courts decide and on their time frame when, whenever they have time, whenever, how they want to decide it and not let outside groups that are not elected dictate and set the narrative and say what the truth is. When that's not the truth. What we did was the right thing to do. What we did was to protect Miami's diversity and representation of all groups in our city and for people to say that we haven't done that, and we did something wrong, then I want to clarify it and I don't want to it to be hidden in the courts and with appeals and the back and forth, the legalities and legalities and all that. I want people to know what we're doing, and we take it from there. So, if I hear from my city attorney and my city manager – there he is – and my city manager, our city manager and what the path forward is in your vision, from your perspective. Christine King: Okay, let's open it up for public comment now. Alex Díaz de la Portilla: Of course. Christine King: Is there anyone that would like to speak on pocket item 4? Brenda Betancourt: Brenda Betancourt, 1436, SW 6th Street. The idea of going back to the old ways, I don't know if that's something that the public will take so lightly. It's true,

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Commissioner, we as voters elect all of you, but I think it will be fair for all of you to actually ask the voters if you actually want that. And the reason for – Sabina Covo: That was actually what I was trying to say. Sorry, Madam Chair. Brenda Betancourt: I'm sorry. Christine King: We all have our chance to speak again. I just wanted to open it up for public comment. Brenda Betancourt: And the reason for is even though we elect every single one of you, doesn't mean that somebody from, I don't know, Morningside is going to decide something will happen in Little Havana where I live. I think that's not fair because there every single community knows what happened in every single community and unfortunately the map is not right and the reasons that they're stating maybe not be the ones that they were not the way map was done. And we all need to understand if I am part of a community and I live there and I pay for my taxes in that community, is because that's where I'm going to live. I want to have my own set of rules in my community where I live. I don't believe the Coconut Grove dictate rules for Allapattah, Little Haiti because it's not fair. Every single community have a different set of living and that's the reason that the district exists. But I hope that you guys actually think about it, about the community and not just about the interest to pay for things that they're you guys do according with the money that flows around the city of Miami. Thank you. Christine King: Good morning. Go ahead. Christi Tasker: So, when it comes to the redistricting, that is something that's very important for the community as a whole because I too, my name is Christi Tasker. I will also be in the same position that you guys are in. So that does need to be decided in terms of where the maps are clearly drawn. I agree with you, Mr. de la Portilla, that it's not clearly, it's not clearly identified and if

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people are complaining, I agree with Commissioner Covo, they are complaining regarding the districting. So, anything that you guys can do to rectify those before elections and as soon as possible, I think that would be great. James Torres: Good morning again. James Torres, current candidate for District 2. I'll have to be very honest, in the campaign trail that Ms. Covo and I ran, a lot of people were very upset with the redistricting number one, especially in the West Grove area, I heard that a lot. Also, that came into fruition is before you start moving forward and I appreciate the fact that you want to start having early dialogue. I think it's important that we bring this out to the community and see what they want because they're the ones that are representing all of us, number one. Number two, is other options may be viable creating seven districts that would be a viable solution, but you have to slice and dice the way the maps look today, but to go back into the Stone Age of making it a true city district or an open, I don't think that's the right way, Commissioner Alex de la Portilla. I think it's early, I think we should have that discussion because it's not fair to the constituents, especially in the West Grove or even up in Morningside. You know, I kind of have to agree with the young lady that was just speaking now, you know, how can someone dictate something or wanting something from Allapattah, Overtown and so forth and so onward. So, that's my two cents but you know, I think it's important that further dialogue has had, with all due respect. Alex Díaz de la Portilla: So, your reasoning – with your reasoning, we should have probably 40 or 45 cities, right? James Torres: What was that last time? Alex Díaz de la Portilla: You should have 40 or 45 cities or entities, right? Because Morningside is different in Coconut Grove than Edgewater and your and Commissioner Covo's district alone, there's like probably 12 different communities.

Miami City Commission - May 11, 2023 at I'm saying here today, sir, and I'm agreeing to disagree with y

1	James Torres: What I'm saying here today, sir, and I'm agreeing to disagree with you.
2	Alex Díaz de la Portilla: Okay, but you said –
3	James Torres: What I'm saying is –
4	Alex Díaz de la Portilla: That diversity is different.
5	James Torres: Diversity is key.
6	Alex Díaz de la Portilla: Right.
7	James Torres: So, if we're going to look at all these components in your early conversation –
8	Alex Díaz de la Portilla: But a logical – but a logical end to your debate and to your end to
9	your logic is that every community, every neighborhood, that's why, that's why we have
10	homeowners' associations, right? Everyone should have their own entity and their own
11	government. How unpractical is that? How impractical is that?
12	James Torres: I'm not. I'm not saying that.
13	Alex Díaz de la Portilla: Well.
14	James Torres: What I'm clearly saying is that as you, you started this conversation that you're
15	saying we need diversity, number one.
16	Alex Díaz de la Portilla: Absolutely.
17	James Torres: Number two, this should be head out to the public. This should be talked about
18	with everybody, not just mandating here today.
19	Christine King: Okay.
20	Alex Díaz de la Portilla: But isn't that what we're doing right now?
21	James Torres: You're setting –
22	Alex Díaz de la Portilla: Because we live in a representative democracy.
23	James Torres: Correct.
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	Miami City Commission - May 11, 2023
1	Alex Díaz de la Portilla: What happens in representative democracies? The public elects
2	representatives and they vote. The public doesn't get a vote on everything that we do on every
3	single issue and every PZ item and any RE item. There's a representative democracy. That's what
4	we do, right? So, let's have a really representative democracy the citywide and the people that are
5	represented to speak for you and for everybody else here have that voice. If you're the one that
6	does it and you get elected and people like you and want you and or Commissioner Covo, they
7	pick but why single out particular pockets and say this pocket should have this representation, that
8	pocket should have that.
9	James Torres: Don't disagree with you on that.
10	Christine King: Thank you, thank you Mr. Torres.
11	James Torres: But if he's addressing me, I think it's important to have –
12	Christine King: No, no –
13	Alex Díaz de la Portilla: That was a comment. It wasn't a question.
14	Christine King: No, that's just a comment. Thank you.
15	James Torres: Because, I mean, I'm sure I can pull votes out of Allapattah and get elected if
16	it's open to everybody.
17	Christine King: Thank you.
18	Alex Díaz de la Portilla: Well, good luck with that one.
19	Christine King: Thank you. Do I have a motion for pocket item 4?
20	Alex Díaz de la Portilla: No, there's no motion there, I want –
21	Christine King: It's –
22	Alex Díaz de la Portilla: It was my original request –
23	Alex Díaz de la Portilla: Was that –

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Manolo Reyes: It's a directive – Christine King: I see – Alex Díaz de la Portilla: Hear quickly, very quickly, briefly from our city attorney on what the path forward was. So, we can know, and the public can know where we're going. I'll take this briefly to see what her thinking is. What's in her head because I – she'll tell me, and she'll tell all of us. But I want them to know what you're thinking. Manolo Reyes: Madam Chair, from what I understand, that this is a directive to analyze it and see what the feasibility of this. And I believe that we should look into it, not that I am going to be in favor, because I'd be leaving diversity. But I want everybody to know what will be the consequences. And what are to be the consequences if we go and we eliminate the districts and what would be the consequences if it is not drawn properly. What are the consequences. We could eliminate diversity in the – as Commissioner Díaz de la Portilla said, most probably, if we eliminate the districts, we're going to have five Hispanics sitting here, just because of the composition of the population. It is just that simple. You see? So, analyze it and come back to us. Alex Díaz de la Portilla: But at least give me – so again, the public knows, what you're thinking is. Do it in three minutes if you can. Victoria Méndez: Thank you. So basically, we are in the middle of litigation. So normally we don't discuss these big points of litigation but what is happening right now is that the status quo remains, the maps remain as is the special magistrate issued a report and recommendation and that is all it is, a report and recommendation. We the city have the opportunity by May 13 to file objections to that report and recommendation and then the judge, the district, the federal judge will decide whether he will agree with his special magistrate, or he will agree with the city. They also have, the plaintiffs also have the right by May 19 to respond to our objections to that report and

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recommendation. Alex Díaz de la Portilla: And therein lies a problem, the city attorney on our behalf, on the leaders of this community's behalf has until May 13th, that's in three days to respond. And no one on this board and this Commission has not recommended to her what to respond and what we're thinking and that's the problem. So, the policy's being driven by the city attorney's response is due in three days without us having a conversation before the three days. And that's why it's a pocket item today because it makes no sense to have a conversation after she responds and then May 19th, the other side responds, then the ball's rolling, and we haven't given an opinion. Christine King: If I may. Alex Díaz de la Portilla: So, we have a directive to our city attorney to meet with all of us before May 13th, before May 13th and tell us what you're thinking. Maybe we could do it individually. Christine King: If I may. Alex Díaz de la Portilla: Okay. Christine King: I have directed the city attorney and the manager to brief each of the commissioners and I've already had my briefing on this. Commissioner Covo? Sabina Covo: I was already briefed. Alex Díaz de la Portilla: Correct but not to her response and what her angle is gonna be in that response. So, what I want – Christine King: That was my briefing. Alex Díaz de la Portilla: That wasn't mine. Mine is coming today. Christine King: I see. Alex Díaz de la Portilla: No, no, no. A briefing on the lawsuit is different than what the City

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of Miami Commission votes on. It's two different things. It's not her telling us she's going to do in a courtroom in three days. It's us giving us her our opinion as collectively as a body of what we think should happen in this government. It's the other way around. You're putting the cart before the horse. We're going to do this, I'm going to brief everybody as to why my legal, my response going to be that's the other way around. And that concerns me because the policymakers, we're the policymakers here. And doesn't matter what she's going to brief you just going to brief me in a little while now right after this meeting, she's going to brief, but that's her interpretation of where we should be going. The policy decision is that we stay with single member districts or do we go to at large districts again, that's a policy decision that only the five of us make. The city manager doesn't make it. The city attorney doesn't make it. He continues to fight how the maps are going to look, appeal, come back, recommend what we think, that's beautiful. That's all part of the legal process. I do not necessarily want to be subjected to that through the entire process. Christine King: Entiendo. Alex Díaz de la Portilla: Entiendes, good. Christine King: Entiendes Alex Díaz de la Portilla: And so, so I, directed – Manolo Reyes: Can I, can I include – Christine King: I think part of the process is to be briefed because we spoke about policy in my briefing, and we talked about that. There are some – Alex Díaz de la Portilla: Of course. Christine King: But once you have your briefing, I understand your pocket item, it's a directive. I believe that's – that's great, but once you have your briefing, it wasn't just – Alex Díaz de la Portilla: Madam Chair. Well, with all due respect, I've been doing this 25

years. 1 2 Christine King: Entiendes. Alex Díaz de la Portilla: I've done three redistrictings in my lifetime, at the state level. I have 3 a lot of experience in this world. I don't need a 20-minute briefing to understand the issue. Okay? 4 Christine King: Mine was an hour and a half. 5 Alex Díaz de la Portilla: Well, it could be three hours. I don't need a three-hour briefing, much 6 less. I understand the issue. What I want to make public, I want the public to know what we're 7 8 doing, not what the legalities are, because I understand all the legalities. I went through two 9 redistricting process in 2000, 2010 and I went through all that, and the state level was very, it was 10 contested. But we're not driving the debate and that's the problem. The policymakers in 11 Tallahassee drove the debate. We lost some, we won some. We're not just sitting down and getting a briefing on what's going to happen tomorrow and two days. We have to have our input, that's 12 13 why we're elected, they're not and that's my only issue. That's why I brought it up to make the 14 point and make it again. And I'll make it again and I'll make it next Commission meeting after they do the response after the May 19th deadline passes and after we get more and more newspaper 15 16 articles come out on how unfair we were and how we drew maps this way because they don't care 17 about newspaper articles, right? Because they're not factual. They're not truthful. The fact of the 18 matter is that we're trying to represent our city the right way with diversity and for others to claim to create a false narrative that we're not, it's wrong. And it's important for the public to understand 19 that and that's it. Very simple. 20 Christine King: Gotcha. 21 Manolo Reyes: May I make a suggestion here. From what I heard, what – the only news that 22 we have is that the – I mean, we know the decision that was made, and according to people that 23

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are experts, said that the judge goes 95% with the decision of the person. But I wanted to do, and I think that I'm throwing this that we should consider. You see, we don't know how the judge is going to go, but in case, we should be prepared. Alex Díaz de la Portilla: Of course. Manolo Reyes: And there's an alternative that we have, including a new map. Alex Díaz de la Portilla: Of course. Manolo Reyes: Drawn by us. Alex Díaz de la Portilla: Correct. Manolo Reyes: And accepted by us. Therefore, I am suggesting that we ask our expert, Mr. De Grandy, to redraw a map, and – I mean, meet with us and start redrawing a map, that will guarantee that ten years from now we're going to have the diversity in this – in the, in the, in the, in the city government and we are going to elect an Afro American to a seat, that they're going to be properly represented, as well as other groups. And it is not binding, the maps, it's not binding, but I think that we should be prepared. Be prepared because I don't want a judge to draw the map. We – I agree with you. We, if we're going to draw a map, we draw the map. That is my suggestion, I don't know if you guys agree with it and – Alex Díaz de la Portilla: Yes I do. And also, to explore obviously my original point of the pocket item is to explore the at large districts to look at a possible alternatives, that's directive. This will be the motion, right, including yours as an amendment to what we're doing, we'll do it together. Manolo Reyes: Yes. Alex Díaz de la Portilla: Look at all the possible options, that gives this policymaking body the options.

1	Manolo Reyes: That is, that is fair.
2	Sabina Covo: I agree but we do it also we need to add a timeline because what would happen
3	if that takes forever?
4	Manolo Reyes: Yes.
5	Sabina Covo: What happens legally in November that I mean that's something that it could –
6	because we need to socialize it with the community as well.
7	Alex Díaz de la Portilla: Of course, of course and we need to know who we have districts, we
8	need to know where to go, right. Everybody needs to know where to go. If you go to the wrong
9	neighborhood, it's no longer your district the next day, right? So, we got to figure out where to go.
10	All of us here and everybody out there whoever wants to run, right. It's the fair thing to do and it
11	is by the way May, and you know qualifying is September. So, we don't have that much time,
12	that's it.
13	Christine King: I agree.
14	Alex Díaz de la Portilla: So, I'll leave you alone.
15	Commissioner Cristine King: I think I asked seven minutes ago for a motion.
16	Alex Díaz de la Portilla: I'll make it.
17	Christine King: I have a motion. Second.
18	Manolo Reyes: I second.
19	Christine King: All in favor.
20	Alex Díaz de la Portilla: Aye.
21	Manolo Reyes: Aye.
22	Sabina Covo: Aye.
23	Christine King: Aye.

1	Alex Díaz de la Portilla: Correct.
2	Christine King: Okay.
3	Manolo Reyes: All the alternatives.
4	All: Yes.
5	Christine King: At this time, I would like to recognize one of our colleagues. It is his
6	cumpleaños.
7	Manolo Reyes: Oh!



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